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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,801	03/23/2004	Jesse A. Branch III	X.9454	9952

7590 01/12/2005

J.W. Gipple  
P.O. Box 40513  
Washington, DC 20016

EXAMINER

SALDANO, LISA M

ART UNIT PAPER NUMBER

3673

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/805,801	BRANCH, JESSE A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lisa M. Saldano	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Objections***

2. Claims 1 and 3 is objected to because of the following informalities:

Regarding claim 1, the applicant has included two sentences in the claim. The applicant is reminded that claims are to be one sentence long only.

Regarding claim 3, it appears that the applicant forgot to capitalize the first word of the claim. Please correct.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolf (5,414,873) in view of Singleton et al (5,224,225) and Charlop (2,353,220).

Wolf discloses a hammock 10 comprising a frame/stand 12 made of a plurality of round or tubular sections 18,20,22 (see Fig.1.). The tubular sections are capable of being assembled into an arc shaped stand. Wolf further discloses foot supports 32 attached to the bottom surface of the stand extending perpendicularly therefrom. The frame comprises bottom mid-section 18 and end sections 20,22. Wolf further discloses an assembly comprising a spacer 34, bolts 40 and glider 36 that functions as a detachable means to secure foot supports 23 to the frame/stand 12.

Regarding claim 2, Wolf discloses that the spacer 34 comprises a saddling wedge form (see fig.10)

However, Wolf fails to explicitly disclose that the stand is arc-shaped. Wolf also fails to disclose that the end sections 20,22 may comprise prong sections. Wolf also fails to explicitly disclose aligning apertures in the mid and end section for placement of the saddling wedge and foot supports.

Singleton et al discloses a knockdown, curved hammock comprising a curved arch of three sections (see Fig.4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wolf to comprise an arc-shape, as taught by Singleton et al, because the inventions are both directed to hammocks, but simply make different design choices as regards the shape of the supporting frame. The two shapes of Wolf and Singleton et al are

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functional equivalents, and it would have been obvious to one of ordinary skill in the art at the time of the invention to use whichever shape is preferred.

Charlop discloses a hammock 16,86 supported by a tubular frame 17. The frame comprises a midsection 21 and two end sections 20 (see Fig. 2). Charlop further discloses two embodiments wherein the end sections further comprise hook 58 (see Fig. 14) or sleeve 80 and bar 82 (see Fig. 16) that each comprise two or more prong section to provide a plurality of support hooks toward outer ends of the prong sections. Charlop discloses that gathering clew ropes or shroud cords of the hammock into two groups tends to prevent twisting of the hammock about its longitudinal axis (see column 2, lines 65-70).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Wolf to comprise prongs, as taught by Charlop, because as clearly stated by Charlop, the prong provide distance between groups of the hammocks clew ropes, thereby preventing undesired twisting of the hammock. This feature serves to enhance the function of the hammock taught by Wolf.

Furthermore, specifically regarding claim 5, since Charlop clearly discloses that provision of distance between the two groups of clew ropes is a desired effect, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide that distance in the supporting structure as illustrated by Charlop or by another functionally equivalent manner, such as by forking the end of the midsection and extending the prongs or the forks into end sections of the hammock. Either way is a functional equivalent and is a matter of design choice to fulfill the same function.

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Regarding claims 3 and 4, although Wolf fails to disclose that the saddle wedges and foot supports are located in aligned apertures located through both the mid and end sections, it would have been obvious to one of ordinary skill in the art at the time of the invention to place the saddling wedges of Wolf anywhere desired on the supporting frame/stand. The tubular sections are capable of accommodating the saddling wedges along the entire bottom length of the supporting frame. Furthermore, as illustrated in Fig. 1, the inventor Wolf encouraged placement of the saddling wedges and foot supports at the joints of the mid and end sections, thereby providing motivation to secure them as claimed by the applicant of the present invention. Wolf discloses that the securing bolts may be fixed in place by a rib portion 26 or alternatively by a nut 90 (see Fig.10).

### *Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goddard (1,400,049) and Clark (US-2004/0244112-A1) disclose features pertinent to the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



HEATHER SHACKELFORD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600